

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Henry Shatkin, on behalf of himself and all others  
similarly situated

SUMMONS IN A CIVIL ACTION

V.

The Bank of New York Mellon Corporation and  
The Bank of New York

CASE NUMBER: 07 CV 7928 (PAC)

TO: (Name and address of Defendant)

The Bank of New York  
c/o Matthew D. Ingber  
Mayer Brown LLP  
1675 Broadway  
New York, NY 10019-5820

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Christopher Lovell  
Lovell Stewart Halebian LLP  
500 Fifth Avenue  
New York, NY 10110

an answer to the complaint which is served on you with this summons, within 20 (twenty) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

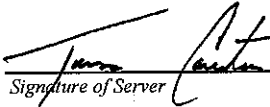
OCT 03 2007

DATE

(By) DEPUTY



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<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	12/3/2007
NAME OF SERVER ( <i>PRINT</i> ) Travis Carter	TITLE Paralegal	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div><input checked="" type="checkbox"/> Other (specify): Registered Agent: The Bank of New York c/o Matthew D. Ingber, Mayer Brown LLP, 1675 Broadway, New York, NY, 10019-5820 (Service accepted by John Marcsala)</div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"> <div style="width: 30%;"> <p>Executed on <u>12/3/2007</u></p> <p style="text-align: center;">Date</p> </div> <div style="width: 30%; text-align: center;">   <p>_____ Signature of Server</p> </div> <div style="width: 30%; text-align: center;"> <p><u>500 Fifth Ave., 58th Fl., New York, NY, 10110</u></p> <p>_____ Address of Server</p> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.